

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 27-8.1 as follows:

6 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

7 Sec. 27-8.1. Health examinations and immunizations.

8 (1) In compliance with rules and regulations which the
9 Department of Public Health shall promulgate, and except as
10 hereinafter provided, all children in Illinois shall have a
11 health examination as follows: within one year prior to
12 entering kindergarten or the first grade of any public,
13 private, or parochial elementary school; upon entering the
14 fifth and ninth grades of any public, private, or parochial
15 school; prior to entrance into any public, private, or
16 parochial nursery school; and, irrespective of grade,
17 immediately prior to or upon entrance into any public, private,
18 or parochial school or nursery school, each child shall present
19 proof of having been examined in accordance with this Section
20 and the rules and regulations promulgated hereunder.

21 A tuberculosis skin test screening shall be included as a
22 required part of each health examination included under this
23 Section if the child resides in an area designated by the

1 Department of Public Health as having a high incidence of
2 tuberculosis. Additional health examinations of pupils,
3 including eye ~~vision~~ examinations, may be required when deemed
4 necessary by school authorities. Parents are encouraged to have
5 their children undergo eye ~~vision~~ examinations at the same
6 points in time required for health examinations.

7 (1.5) In compliance with rules adopted by the Department of
8 Public Health and except as otherwise provided in this Section,
9 all children in kindergarten and the second and sixth grades of
10 any public, private, or parochial school shall have a dental
11 examination. Each of these children shall present proof of
12 having been examined by a dentist in accordance with this
13 Section and rules adopted under this Section before May 15th of
14 the school year. If a child in the second or sixth grade fails
15 to present proof by May 15th, the school may hold the child's
16 report card until one of the following occurs: (i) the child
17 presents proof of a completed dental examination or (ii) the
18 child presents proof that a dental examination will take place
19 within 60 days after May 15th. The Department of Public Health
20 shall establish, by rule, a waiver for children who show an
21 undue burden or a lack of access to a dentist. Each public,
22 private, and parochial school must give notice of this dental
23 examination requirement to the parents and guardians of
24 students at least 60 days before May 15th of each school year.

25 (1.10) Except as otherwise provided in this Section, all
26 children enrolling in kindergarten in a public, private, or

1 parochial school on or after the effective date of this
2 amendatory Act of the 95th General Assembly and any student
3 enrolling for the first time in a public, private, or parochial
4 school on or after the effective date of this amendatory Act of
5 the 95th General Assembly shall have an eye examination. Each
6 of these children shall present proof of having been examined
7 by a physician licensed to practice medicine in all of its
8 branches or a licensed optometrist within the previous year, in
9 accordance with this Section and rules adopted under this
10 Section, before October 15th of the school year. If the child
11 fails to present proof by October 15th, the school may hold the
12 child's report card until one of the following occurs: (i) the
13 child presents proof of a completed eye examination or (ii) the
14 child presents proof that an eye examination will take place
15 within 60 days after October 15th. The Department of Public
16 Health shall establish, by rule, a waiver for children who show
17 an undue burden or a lack of access to a physician licensed to
18 practice medicine in all of its branches who provides eye
19 examinations or to a licensed optometrist. Each public,
20 private, and parochial school must give notice of this eye
21 examination requirement to the parents and guardians of
22 students in compliance with rules of the Department of Public
23 Health. Nothing in this Section shall be construed to allow a
24 school to exclude a child from attending because of a parent's
25 or guardian's failure to obtain an eye examination for the
26 child.

1 (2) The Department of Public Health shall promulgate rules
2 and regulations specifying the examinations and procedures
3 that constitute a health examination, which shall include the
4 collection of data relating to obesity, ~~(including at a~~
5 ~~minimum, date of birth, gender, height, weight, blood pressure,~~
6 ~~and date of exam)~~, and a dental examination and may recommend
7 by rule that certain additional examinations be performed. The
8 rules and regulations of the Department of Public Health shall
9 specify that a tuberculosis skin test screening shall be
10 included as a required part of each health examination included
11 under this Section if the child resides in an area designated
12 by the Department of Public Health as having a high incidence
13 of tuberculosis. The Department of Public Health shall specify
14 that a diabetes screening as defined by rule shall be included
15 as a required part of each health examination. Diabetes testing
16 is not required.

17 Physicians licensed to practice medicine in all of its
18 branches, advanced practice nurses who have a written
19 collaborative agreement with a collaborating physician which
20 authorizes them to perform health examinations, or physician
21 assistants who have been delegated the performance of health
22 examinations by their supervising physician shall be
23 responsible for the performance of the health examinations,
24 other than dental examinations, eye examinations, and vision
25 and hearing screening, and shall sign all report forms required
26 by subsection (4) of this Section that pertain to those

1 portions of the health examination for which the physician,
2 advanced practice nurse, or physician assistant is
3 responsible. If a registered nurse performs any part of a
4 health examination, then a physician licensed to practice
5 medicine in all of its branches must review and sign all
6 required report forms. Licensed dentists shall perform all
7 dental examinations and shall sign all report forms required by
8 subsection (4) of this Section that pertain to the dental
9 examinations. Physicians licensed to practice medicine in all
10 its branches~~,~~ or licensed optometrists~~,~~ shall perform all eye
11 examinations ~~vision exams~~ required by this Section ~~school~~
12 ~~authorities~~ and shall sign all report forms required by
13 subsection (4) of this Section that pertain to the eye
14 examination. For purposes of this Section, an eye examination
15 shall at a minimum include history, visual acuity, subjective
16 refraction to best visual acuity near and far, internal and
17 external examination, and a glaucoma evaluation, as well as any
18 other tests or observations that in the professional judgment
19 of the doctor are necessary ~~vision exam~~. Vision and hearing
20 screening tests, which shall not be considered examinations as
21 that term is used in this Section, shall be conducted in
22 accordance with rules and regulations of the Department of
23 Public Health, and by individuals whom the Department of Public
24 Health has certified. In these rules and regulations, the
25 Department of Public Health shall require that individuals
26 conducting vision screening tests give a child's parent or

1 guardian written notification, before the vision screening is
2 conducted, that states, "Vision screening is not a substitute
3 for a complete eye and vision evaluation by an eye doctor. Your
4 child is not required to undergo this vision screening if an
5 optometrist or ophthalmologist has completed and signed a
6 report form indicating that an examination has been
7 administered within the previous 12 months."

8 (3) Every child shall, at or about the same time as he or
9 she receives a health examination required by subsection (1) of
10 this Section, present to the local school proof of having
11 received such immunizations against preventable communicable
12 diseases as the Department of Public Health shall require by
13 rules and regulations promulgated pursuant to this Section and
14 the Communicable Disease Prevention Act.

15 (4) The individuals conducting the health examination, ~~or~~
16 dental examination, or eye examination shall record the fact of
17 having conducted the examination, and such additional
18 information as required, including for a health examination
19 data relating to obesity, ~~(~~ including at a minimum, date of
20 birth, gender, height, weight, blood pressure, and date of
21 exam), on uniform forms which the Department of Public Health
22 and the State Board of Education shall prescribe for statewide
23 use. The examiner shall summarize on the report form any
24 condition that he or she suspects indicates a need for special
25 services, including for a health examination factors relating
26 to obesity. The individuals confirming the administration of

1 required immunizations shall record as indicated on the form
2 that the immunizations were administered.

3 (5) If a child does not submit proof of having had either
4 the health examination or the immunization as required, then
5 the child shall be examined or receive the immunization, as the
6 case may be, and present proof by October 15 of the current
7 school year, or by an earlier date of the current school year
8 established by a school district. To establish a date before
9 October 15 of the current school year for the health
10 examination or immunization as required, a school district must
11 give notice of the requirements of this Section 60 days prior
12 to the earlier established date. If for medical reasons one or
13 more of the required immunizations must be given after October
14 15 of the current school year, or after an earlier established
15 date of the current school year, then the child shall present,
16 by October 15, or by the earlier established date, a schedule
17 for the administration of the immunizations and a statement of
18 the medical reasons causing the delay, both the schedule and
19 the statement being issued by the physician, advanced practice
20 nurse, physician assistant, registered nurse, or local health
21 department that will be responsible for administration of the
22 remaining required immunizations. If a child does not comply by
23 October 15, or by the earlier established date of the current
24 school year, with the requirements of this subsection, then the
25 local school authority shall exclude that child from school
26 until such time as the child presents proof of having had the

1 health examination as required and presents proof of having
2 received those required immunizations which are medically
3 possible to receive immediately. During a child's exclusion
4 from school for noncompliance with this subsection, the child's
5 parents or legal guardian shall be considered in violation of
6 Section 26-1 and subject to any penalty imposed by Section
7 26-10. This subsection (5) does not apply to dental
8 examinations and eye examinations.

9 (6) Every school shall report to the State Board of
10 Education by November 15, in the manner which that agency shall
11 require, the number of children who have received the necessary
12 immunizations and the health examination (other than a dental
13 examination or eye examination) as required, indicating, of
14 those who have not received the immunizations and examination
15 as required, the number of children who are exempt from health
16 examination and immunization requirements on religious or
17 medical grounds as provided in subsection (8). Every school
18 shall report to the State Board of Education by June 30, in the
19 manner that the State Board requires, the number of children
20 who have received the required dental examination, indicating,
21 of those who have not received the required dental examination,
22 the number of children who are exempt from the dental
23 examination on religious grounds as provided in subsection (8)
24 of this Section and the number of children who have received a
25 waiver under subsection (1.5) of this Section. Every school
26 shall report to the State Board of Education by June 30, in the

1 manner that the State Board requires, the number of children
2 who have received the required eye examination, indicating, of
3 those who have not received the required eye examination, the
4 number of children who are exempt from the eye examination as
5 provided in subsection (8) of this Section, the number of
6 children who have received a waiver under subsection (1.10) of
7 this Section, and the total number of children in noncompliance
8 with the eye examination requirement. This reported
9 information shall be provided to the Department of Public
10 Health by the State Board of Education.

11 (7) Upon determining that the number of pupils who are
12 required to be in compliance with subsection (5) of this
13 Section is below 90% of the number of pupils enrolled in the
14 school district, 10% of each State aid payment made pursuant to
15 Section 18-8.05 to the school district for such year shall be
16 withheld by the regional superintendent until the number of
17 students in compliance with subsection (5) is the applicable
18 specified percentage or higher.

19 (8) Parents or legal guardians who object to health, ~~or~~
20 dental, or eye examinations or any part thereof, or to
21 immunizations, on religious grounds shall not be required to
22 submit their children or wards to the examinations or
23 immunizations to which they so object if such parents or legal
24 guardians present to the appropriate local school authority a
25 signed statement of objection, detailing the grounds for the
26 objection. If the physical condition of the child is such that

1 any one or more of the immunizing agents should not be
2 administered, the examining physician, advanced practice
3 nurse, or physician assistant responsible for the performance
4 of the health examination shall endorse that fact upon the
5 health examination form. Exempting a child from the health, ~~or~~
6 dental, or eye examination does not exempt the child from
7 participation in the program of physical education training
8 provided in Sections 27-5 through 27-7 of this Code.

9 (9) For the purposes of this Section, "nursery schools"
10 means those nursery schools operated by elementary school
11 systems or secondary level school units or institutions of
12 higher learning.

13 (Source: P.A. 92-703, eff. 7-19-02; 93-504, eff. 1-1-04;
14 93-530, eff. 1-1-04; 93-946, eff. 7-1-05; 93-966, eff. 1-1-05;
15 revised 12-1-05.)

16 Section 90. The State Mandates Act is amended by adding
17 Section 8.31 as follows:

18 (30 ILCS 805/8.31 new)

19 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
20 of this Act, no reimbursement by the State is required for the
21 implementation of any mandate created by this amendatory Act of
22 the 95th General Assembly.

23 Section 99. Effective date. This Act takes effect January
24 1, 2008.